

OCA FILE Leg

29 August 1989
OCA 3068-89

MEMORANDUM FOR: Chief, Flexible Benefits Staff/EB/OP

FROM:

Legislation Division
Office of Congressional Affairs

STAT

SUBJECT: Proposed Legislation to Support Flexible Work Arrangements

1. As you requested, I am forwarding "anything and everything" concerning any type of flexible benefits legislation for Federal employees regardless of its momentum (or lack thereof) in Congress. Therefore, attached, for your information, is a proposed demonstration program to test the efficacy of flexible work arrangements in the Executive branch. A provision is also included in the proposed legislation to require OPM to establish a job sharing program.

2. This legislation [H.R. 2435] is sponsored by Congressman Wolf of Virginia. It was introduced in the House of Representatives on 18 May 1989, and then promptly referred to the House Committee on Post Office and Civil Service. There has been no movement in Committee since its referral and it is unclear if this measure will gain enough attention and momentum to pass by the close of the year.

3. In any event, it is unlikely that the flexible work arrangement program -- which essentially would allow an employee to perform his or her duties at home -- is one that this Agency would be interested in being an active participant given its special mission for intelligence activities. Nonetheless, legislation of this sort may be of benefit to certain sections of this organization.

4. The test program, if enacted into law, is scheduled to terminate on 30 September 1991. Please advise me of your thoughts on the benefits or drawbacks to this type of legislation for the Agency.

Attachment

STAT

OCA 3068-89

SUBJECT: Proposed Legislation to Support Flexible Work
Arrangements

OCA/LEG/ [redacted] (29 Aug 89)

STAT

Distribution:

Original - Addressee (w/att)

- 1 - OCA Records (w/att)
- 1 - D/OCA (w/o att)
- 1 - D/OP/DDA (w/att)
- 1 - C/ALD/OGC (w/att)
- 1 - OCA/LEG/Subject File: Misc. Personnel (w/att)
- 1 - [redacted] Signer (w/o att)
- 1 - [redacted] soft file (w/att)
- 1 - OCARead Library

STAT

101ST CONGRESS
1ST SESSION

H. R. 2435

To provide that a demonstration project be conducted to test flexiplace work arrangements for Federal employees, and to provide for the establishment of a program to facilitate the exchange of information relating to job-sharing arrangements among Federal employees.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1989

Mr. WOLF introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To provide that a demonstration project be conducted to test flexiplace work arrangements for Federal employees, and to provide for the establishment of a program to facilitate the exchange of information relating to job-sharing arrangements among Federal employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Federal Employees
5 Flexible Work Arrangements Act of 1989".

1 **TITLE I—DEMONSTRATION**
2 **PROJECT**

3 **SEC. 101. DEFINITIONS.**

4 For purposes of this title—

5 (1) the term “agency” has the meaning given it
6 by section 4701(a)(1) of title 5, United States Code,
7 except that such term also includes the United States
8 Postal Service, the Postal Rate Commission, and a
9 military department (as defined by section 102 of such
10 title);

11 (2) the term “employee” has the meaning given it
12 by section 2105 of title 5, United States Code;

13 (3) the term “Office” means the Office of Person-
14 nel Management; and

15 (4) the term “flexiplace work arrangement”, as
16 used with respect to an employee, means an arrange-
17 ment under which the employee is allowed to perform
18 the duties and responsibilities of such employee’s posi-
19 tion at home or another place apart from the em-
20 ployee’s usual place of work.

21 **SEC. 102. AUTHORITY.**

22 (a) **IN GENERAL.**—Agencies may design and, upon ap-
23 proval by the Office, conduct experiments to test the feasi-
24 bility and desirability of offering flexiplace work arrange-
25 ments to their employees.

1 (b) PROCEDURES.—The Office shall by regulation es-
2 tablish procedures under which proposals for experiments
3 under this title may be submitted. In addition to any require-
4 ments as to the required form or content of any agency pro-
5 posal, the regulations shall indicate the deadline for submit-
6 ting any such proposal. Regulations under this subsection
7 shall be prescribed not later than October 1, 1989.

8 (c) GUIDELINES.—The Office shall prescribe guidelines
9 with which all flexible work arrangements under this title
10 must conform. The guidelines shall provide as follows:

11 (1) An agency conducting an experiment under
12 this title shall be responsible for determining which po-
13 sitions or types of positions will be included. The pro-
14 cedures used in identifying the employees to be includ-
15 ed in the experiment shall be consistent with—

16 (A) subsections (f) and (g) of section 4703 of
17 title 5, United States Code; and

18 (B) the interest in having flexiplace work ar-
19 rangements tested in a broad range of positions
20 which vary on the basis of pay level, job func-
21 tions, and other factors.

22 (2) Employees selected to test flexiplace work ar-
23 rangements and the personnel who will be supervising
24 them shall be given appropriate training, including

1 training relating to any new or revised standards which
2 will be used in performance evaluations.

3 (3) The agency may impose reasonable conditions
4 to ensure the appropriate use and maintenance of any
5 equipment or items provided for use at a participating
6 employee's home or other place apart from the employ-
7 ee's usual place of work.

8 (4) The agency shall establish requirements relat-
9 ing to the frequency with which the employee must
10 report to such employee's usual place of work each
11 week or each month, as appropriate.

12 (5) Participation by an employee shall be volun-
13 tary. An employee may elect to cease participating in
14 a flexiplace work arrangement at any time. The em-
15 ploying agency may terminate an employee's participa-
16 tion in such an arrangement if the employee's contin-
17 ued participation would not be in the best interests of
18 the agency.

19 (6) Participation in the project will not adversely
20 affect an employee's eligibility for advancement or any
21 other rights or benefits.

22 (7) The limitations under section 1348 of title 31,
23 United States Code (relating to telephone installation
24 and charges) may be waived for participating employ-
25 ees in appropriate circumstances.

1 **SEC. 103. TERMINATION DATE; REPORTING REQUIREMENT.**

2 (a) **TERMINATION DATE.**—Experiments under this title
3 shall terminate not later than September 30, 1991.

4 (b) **REPORTING REQUIREMENT.**—The Office shall
5 review all experiments undertaken under this title and, not
6 later than June 30, 1991, submit a written report to the
7 Congress containing its findings. The report shall include—

8 (1) the Office's findings with respect to any addi-
9 tional costs or savings associated with flexible working
10 arrangements, as well as their effect on productivity,
11 job satisfaction, and morale; and

12 (2) recommendations for any legislation or admin-
13 istrative action which the Office considers appropriate.

14 **TITLE II—JOB-SHARING PROGRAM**

15 **SEC. 201. JOB-SHARING PROGRAM.**

16 (a) **ESTABLISHMENT.**—Section 3402 of title 5, United
17 States Code, is amended by adding at the end the following:

18 “(c)(1) The Office of Personnel Management shall estab-
19 lish and operate a program designed to facilitate the use of
20 job-sharing arrangements in agencies.

21 “(2) Under the program, the Office shall serve as a
22 clearinghouse for information pertaining to individuals seek-
23 ing employment under job-sharing arrangements, and any po-
24 sitions which may or must be filled under such an arrange-
25 ment.

1 “(3) Any individual wishing to be included in listings
2 furnished under the program may be required to indicate the
3 positions or types of positions sought, personal qualifications,
4 days or hours of availability for work, and any other informa-
5 tion which the Office may by regulation require.

6 “(4) An agency having positions appropriate for listing
7 under the program shall inform the Office as to the availabil-
8 ity of those positions. Agencies shall provide such information
9 as the Office may by regulation require, including information
10 relating to how the duties and responsibilities of each position
11 would be apportioned under a job-sharing arrangement.

12 “(5) Information pertaining to any particular individual
13 shall be kept available until the earlier of—

14 “(A) a written request by such individual to be
15 excluded from the program; or

16 “(B) such individual’s being placed in a position
17 on a job-sharing basis.

18 An individual may not be included in listings under the pro-
19 gram for more than 1 year, except upon the written request
20 of such individual for an extension. An individual may receive
21 more than 1 extension under the program, but each such ex-
22 tension shall be for not to exceed 1 year.”

23 (b) NOTICE.—The Office of Personnel Management
24 shall take measures reasonably designed to provide con-
25 tinuing notice to Government employees and applicants for

7

- 1 Government employment relating to the availability of the
- 2 program established pursuant to the amendment made by
- 3 subsection (a).

○